



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Thompson et al.

Application No.: 10/602,024

Filed: June 24, 2003

For: **Oncolytic Viruses as Phenotyping
Agents for Neoplasms**

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) Group Art Unit: Unassigned

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) Examiner: Unassigned

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) Confirmation No.: Unassigned
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**INFORMATION DISCLOSURE STATEMENT
TRANSMITTAL LETTER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed is an Information Disclosure Statement and accompanying form PTO-1449 for the above-identified patent application.

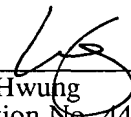
- ☒ [X] No additional fee for submission of an IDS is required.
- ☐ [] The fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) is also enclosed.
- ☐ [] A statement under 37 C.F.R. § 1.97(e) is also enclosed.
- ☐ [] A statement under 37 C.F.R. § 1.97(e), and the fee of \$180.00 (1806) as set forth in 37 C.F.R. § 1.17(p) are also enclosed.
- ☐ [] Charge \$_____ to Deposit Account No. 02-4800 for the fee due.
- ☐ [] A check in the amount of \$_____ is enclosed for the fee due.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: August 19, 2003

By: 
Ping F. Hwang
Registration No. 44,164

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Patent
Attorney's Docket No. 032775-247

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Patent Application of |) | |
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| Application No.: 10/602,024 |) | Group Art Unit: Unassigned |
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| Agents for Neoplasms |) | |

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure as set forth in 37 C.F.R. §1.56, Applicants hereby submit the following information in conformance with 37 C.F.R. §§ 1.97 and 1.98. Pursuant to 37 C.F.R. § 1.98, a copy of each of the documents cited is enclosed.

United States Patents

1. U.S. Patent No. 6,136,307, Lee et al., October 24, 2000.

Foreign Patents

2. WO 94/18992, published September 1, 1994.

Articles

3. Bischoff JR. et al., "An Adenovirus Mutant that Replicates Selectively in p53-Deficient Human Tumor", *Science* 274(5286):373-376 (1996).
4. Bos, J, "ras oncogenes in human cancer: a review", *Cancer Res.* 49:4682-4689 (1989).
5. Campbell, S.L. et al., "Increasing complexity of Ras signaling", *Oncogene* 17: 1395-1413 (1998).
6. Chandron and Nibert, "Protease cleavage of reovirus capsid protein mu1 and mu1C is blocked by alkyl sulfate detergents, yielding a new type of infectious subvirion particle", *J. of Virology* 72(1):467-75 (1998).
7. Chang et al., *J. Virol.* 69:6605-6608 (1995).
8. Chang et al., *Proc. Natl. Acad. Sci.* 89:4825-4829 (1992).
9. Chang et al., *Virol.* 194:537-547 (1993).
10. Fueyo, J., et al., "A Mutant Oncolytic Adenovirus Targeting the Rb Pathway Produces Anti-Glioma Effect *in Vivo*", *Oncogene* 19(1):2-12 (2000).
11. Gutkind, J.S., "The pathways connecting G protein-coupled receptors to the nucleus through divergent mitogen-activated protein kinase cascades", *J Biol Chem.* 273:1839-1842 (1998).
12. Kawagishi-Kobayashi, M. et al., *Mol. Cell. Biol.* 17:4146-4158 (1997).
13. Nemunaitis, J., "Oncolytic viruses", *J. Invest. New Drugs* 17:375-386 (1999).
14. Nibert, M.L., Schiff, L.A., and Fields, B.N., "Reoviruses and their replication", pages 1557-96 in *Virology* (Fields et al., 3rd Edition), Lippencott-Raven Press, 1996.
15. Romano et al., *Mol. Cell. Bio.* 18(12):7304-7316 (1998).
16. Sharp et al., *Virology* 250:302-315 (1998).
17. Smith, R.E., et al., "Polypeptide components of virions, top component and cores of reovirus type 3", *Virology*, 39:791-800 (1969).

18. Smith, C.A. et al., "Correlations among p53, Her-2/neu, and ras overexpression and aneuploidy by multiparameter flow cytometry in human breast cancer: evidence for a common phenotypic evolutionary pattern in infiltrating ductal carcinomas", *Clin Cancer Res.* 6(1):112-26 (2000).

These documents are being submitted within three months from the filing date of the present application. Consequently, no fee is required pursuant to 37 C.F.R. §1.97(b).


By citing the above references, Applicants do not acquiesce or admit that any of these documents is "prior art" under 35 U.S.C. Applicants specifically reserve the right, where appropriate, to antedate any of the cited documents by an appropriate showing under 37 C.F.R. §1.131, §1.604, §1.608 or any other suitable means.

To assist the Examiner, the documents are listed on the attached form PTO-1449. It is respectfully requested that an Examiner initialed copy of this form be returned to the undersigned.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____


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Date: August 19, 2003

Substitute for forms 1449A/PTO & 1449B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

ATTORNEY'S DKT NO.

032775-247

APPLICATION NO.

10/602,024

APPLICANT

Thompson et al.

FILING DATE

June 24, 2003

GROUP

Unassigned

U.S. PATENT DOCUMENTS

| Examiner Initials | Document Number | Kind Code (if known) | Name of Patentee or Applicant of Cited Document | Issue/Publication Date (MM-DD-YYYY) |
|----------------------|--------------------|-------------------------|--|---|
| | 6,136,307 | | Lee et al. | 10-24-2000 |

FOREIGN PATENT DOCUMENTS

| Examiner Initials | Document Number | Kind Code (if known) | Country | Date of Publication (MM-DD-YYYY) | Translation Yes No |
|----------------------|--------------------|-------------------------|---------|-------------------------------------|-----------------------|
| | WO 94/18992 | | PCT | 09-01-1994 | |

NON PATENT LITERATURE DOCUMENTS

| Examiner Initials | Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. |
|----------------------|--|
| | Bischoff JR. et al., "An Adenovirus Mutant that Replicates Selectively in p53-Deficient Human Tumor", <i>Science</i> 274(5286):373-376 (1996). |
| | Bos, J., "ras oncogenes in human cancer: a review", <i>Cancer Res.</i> 49:4682-4689 (1989). |
| | Campbell, S.L. et al., "Increasing complexity of Ras signaling", <i>Oncogene</i> 17: 1395-1413 (1998). |
| | Chandron and Nibert, "Protease cleavage of reovirus capsid protein mu1 and mu1C is blocked by alkyl sulfate detergents, yielding a new type of infectious subviral particle", <i>J. of Virology</i> 72(1):467-75 (1998). |
| | Chang et al., <i>J. Virol.</i> 69:6605-6608 (1995). |
| | Chang et al., <i>Proc. Natl. Acad. Sci.</i> 89:4825-4829 (1992). |
| | Chang et al., <i>Virol.</i> 194:537-547 (1993). |
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| | Gutkind, J.S., "The pathways connecting G protein-coupled receptors to the nucleus through divergent mitogen-activated protein kinase cascades", <i>J Biol Chem.</i> 273:1839-1842 (1998). |
| | Kawagishi-Kobayashi, M. et al., <i>Mol. Cell. Biol.</i> 17:4146-4158 (1997). |
| | Nemunaitis, J., "Oncolytic viruses", <i>J. Invest. New Drugs</i> 17:375-386 (1999). |
| | Nibert, M.L., Schiff, L.A., and Fields, B.N., "Reoviruses and their replication", pages 1557-96 in <i>Virology</i> (Fields et al., 3rd Edition), Lippencott-Raven Press, 1996. |
| | Romano et al., <i>Mol. Cell. Bio.</i> 18(12):7304-7316 (1998). |
| | Sharp et al., <i>Virology</i> 250:302-315 (1998). |
| | Smith, R.E., et al., "Polypeptide components of virions, top component and cores of reovirus type 3", <i>Virology</i> , 39:791-800 (1969). |
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| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. **SEND TO:** Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.